
SENATE BILL No. 568

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-10-7-8.

Synopsis: Public guardianship services program. Includes temporary guardianships in the list of guardianships that may be used in individualized service plans for incapacitated individuals under the division of disability, aging, and rehabilitative services' contract with a nonprofit corporation. Appropriates \$100,000 in each year of the biennium for temporary guardianships under the adult guardianship services program.

Effective: Upon passage; July 1, 2001.

Wyss, Long

January 23, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 568

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-10-7-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) The division shall
3 contract in writing for the provision of the guardianship services
4 required in each region with a nonprofit corporation that is:

5 (1) qualified to receive tax deductible contributions under Section
6 170 of the Internal Revenue Code; and

7 (2) located in the region.

8 (b) The division shall establish qualifications to determine eligible
9 providers in each region.

10 (c) Each contract between the division and a provider must specify
11 a method for the following:

12 (1) The establishment of a guardianship committee within the
13 provider, serving under the provider's board of directors.

14 (2) The provision of money and services by the provider in an
15 amount equal to at least twenty-five percent (25%) of the total
16 amount of the contract and the provision by the division of the
17 remaining amount of the contract. The division shall establish



guidelines to determine the value of services provided under this subdivision.

(3) The establishment of procedures to avoid a conflict of interest for the provider in providing necessary services to each incapacitated individual.

(4) The identification and evaluation of indigent adults in need of guardianship services.

(5) The adoption of individualized service plans to provide the least restrictive type of guardianship or related services for each incapacitated individual, including the following:

(A) Designation as a representative payee by:

- (i) the Social Security Administration;
- (ii) the United States Office of Personnel Management;
- (iii) the United States Department of Veterans Affairs; or
- (iv) the United States Railroad Retirement Board.

(B) Limited guardianship under IC 29-3.

(C) Guardianship of the person or estate under IC 29-3.

(D) The appointment of:

- (i) a health care representative under IC 16-36-1-7; or
- (ii) a power of attorney under IC 30-5.

(E) Temporary guardianship under IC 29-3-3-4.

(6) The periodic reassessment of each incapacitated individual.

(7) The provision of legal services necessary for the guardianship.

(8) The training and supervision of paid and volunteer staff.

(9) The establishment of other procedures and programs required by the division.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The division of disability, aging, and rehabilitative services shall amend 460 IAC 1-5 to reflect IC 12-10-7-8, as amended by this act. The rules must be adopted before July 1, 2002.

(b) This SECTION expires July 1, 2002.

SECTION 3. [EFFECTIVE JULY 1, 2001] (a) In addition to any other money that may be appropriated to the division of disability, aging, and rehabilitative services, the following amounts are appropriated to the division of disability, aging, and rehabilitative services to provide temporary guardianships under IC 12-10-7-8(c)(5)(E), as amended by this act, from the state general fund:

(1) For the state fiscal year beginning July 1, 2001, and ending June 30, 2002, one hundred thousand dollars (\$100,000).

(2) For the state fiscal year beginning July 1, 2002, and ending June 30, 2003, one hundred thousand dollars (\$100,000).



1 **(b) This SECTION expires July 1, 2003.**
2 **SECTION 4. An emergency is declared for this act.**

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